

REMARKS

Favorable reconsideration of this application as presented herein is requested. Claims 15-28 are pending in the present application. In the above amendments, claims 15, 22, and 28 have been amended.

In the 9/17/2004 Office Action, the Examiner rejected claims 15-21 under 35 U.S.C. § 102(e) as being anticipated by Chen et al. (U.S. Publication No. 2002/0035709).

The Examiner also rejected claims 22, 23, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. (U.S. Publication No. 2002/0035709) in view of Wheatley, III et al. (U.S. Publication No. 2002/0131376).

Finally, the Examiner objected to claims 24-27 as being dependent upon a rejected base claim.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 15-21 under 35 U.S.C. § 102(e) as being anticipated by Chen et al. (U.S. Publication No. 2002/0035709).

The rejection contends that Chen discloses the invention as claimed including an apparatus for generating ordered sequences that can be transmitted in multi-slot packets in a wireless communication system. In order to overcome the rejections, the feature of a scheduling unit configured to schedule a multi-slot packet transmission to a remote station in accordance with a scheduling algorithm has been added to the preamble of claim 15. A scheduling unit in the base station monitors the arrival of Data Rate Controls (DRCs) from all remote stations that are operating within its range, and uses the DRC information in the scheduling algorithm to determine which remote station will be the next data packet recipient, in accordance with an optimal forward link throughput level. (See Applicants' Specification, p.11, l.31.) Chen does not describe this added feature.

Consequently the Chen Publication does not anticipate the structure defined in claim 15 of the present application under 35 U.S.C. § 102(e) for at least the foregoing reasons. Claims 16-21 depend from claim 15 and therefore include all the limitations of that independent claim.

Since the Chen Publication does not render claims 15-21, as amended, unpatentable Applicants respectfully submit that the rejections thereof be withdrawn by the Examiner.

Claim Rejections under 35 U.S.C. § 103

The Examiner also rejected claims 22, 23, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. (U.S. Publication No. 2002/0035709) in view of Wheatley, III et al. (U.S. Publication No. 2002/0131376). To establish a prima facie case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation of, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference(s) must teach or suggest all the claim limitations.

As mentioned above, the references do not describe the added feature of scheduling a multi-slot packet transmission in accordance with a scheduling algorithm.

Applicants thus respectfully submit that claims 22 and 28 are not rendered obvious by the Chen Publication when considered alone or in combination with Wheatley. Claim 23 depends from claim 22 and therefore contains all the limitations of that independent claim. Since the Chen and Wheatley references do not render claims 22, 23, and 28, as amended, unpatentable Applicants respectfully submit that the rejections thereof be withdrawn by the Examiner.

Claim Objections

Finally, the Examiner objected to claims 24-27 as being dependent upon a rejected base claim. These objections are moot since claim 22 has been amended.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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